## Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of:	)	Wireless Bureau
ACS Wireless License Sub, Inc.	)	WT Docket No. 12-187
The Alaska Wireless Network, LLC	)	File Nos. 0005257737, et al.
GCI, Communication Corp.	)	File Nos. 0005259928, et al
Unicom Inc.	)	File Nos. 0005260034, et al.
For Consent to Transfer Control of Wireless	)	
Licenses and Authorizations and	)	Media Bureau
Media Authorizations for KTVA (TV), KATH-LD	)	BALCDT-20130125ABD KTVA
and KSCT-LP	)	BALTVL-20130125AAK KSCT-LP

# PETITION TO DENY PENDING APPLICATIONS OF GENERAL COMMUNICATION INC FOR TRANSFER OF CONTROL OF LICENSES By and For FIREWEED COMMUNICATIONS, LLC AND JEREMY LANSMAN

FIREWEED COMMUNICATIONS, LLC AND JEREMY LANSMAN

"I believe that the nation's media ownership rules remain necessary and are critical to the public interest. We should be doing much more to encourage diversity in the ownership of broadcast media, promote the development of new media outlets for expression of diverse viewpoints, and establish greater clarity in public interest obligations of broadcasters occupying the nation's spectrum." - Barack Obama at an FCC hearing, September 20<sup>th</sup>, 2007<sup>1</sup>

#### Introduction

The principal purpose of this petition to better ensure that the market place of opinions and ideas in Alaska remains open and free for the purpose of the public good and democracy. This petition comprises the following parts: First we present a description of the market and the players within it. Then follows a section on the competitive issues raised and remedies that we recommend to apply. Lastly, the reason that this petition is late filed regarding the wireless application and a request for waiving the rules.

### Part I: Description of the Alaska Marketplace the Parties.<sup>2</sup>

Unless a market is properly defined, it is not possible to study or analyze competition. The topic is

<sup>1</sup> http://benton.org/node/140512

<sup>2</sup> See **IV. Market Definition and Monopoly Power** <a href="http://www.justice.gov/atr/public/reports/236681\_chapter2.htm">http://www.justice.gov/atr/public/reports/236681\_chapter2.htm</a>, Competition and Monopoly, Single-Firm Conduct Uner Section 2 of the Sherman Act.

frequently treated in the literature as well as in the courtroom. For example:

"Absent price discrimination, a relevant market is described by a product or group of products and a geographic area. In determining whether a hypothetical monopolist would be in a position to exercise market power, it is necessary to evaluate the likely demand responses of consumers to a price increase. A price increase could be made unprofitable by consumers either switching to other products or switching to the same product produced by firms at other locations. The nature and magnitude of these two types of demand responses respectively determine the scope of the product market and the geographic market." <sup>3</sup>

The market we refer to in this document, is the field of broadcasting and information and communication technology (ICT), referring with particular attention to the transmission of audio/visual material via cable television, satellite television, mobile phone television, internet television. Once a technology is capable of transmitting data, it is capable of transmitting television and it can be predicted that people will use it that way.

In order to understand the threat to competition (in the Alaskan broadcasting, information and communication field) that the General Communications Incorporated (GCI) applications pose, the particular nature of this area as a market segment needs to be elucidated along with the role the various parties play within it.

Alaska's location and geographical isolation define a trading area boundary within which companies can readily sell and buyers can buy the relevant products, and outside of which they find trade more difficult. Alaskas geographical isolation, bounded by water on the North, West and South, and Canada on its West, plus the distance to the other 49 states, has shaped telecommunications competition. Major national telecommunications companies such as T-Mobile or Comcast have no physical presence in the state, and major Alaskan companies such as GCI or Alaska Communications, Incorporated (ACS) have no presence outside Alaska other than for fiber cable landings. AT&T, a large national company is different: it has a limited Alaskan foot print while having a very large footprint in the rest of the US and a very limited competitive product range in Alaska: the only service it offers having substantial market

Market Definition, Measurement and Concentration, http://www.justice.gov/atr/public/guidelines/horiz book/10.html

share is mobile phone. 4

#### Data Networking to, from and within Alaska

Telecommunications to and from the state are via undersea fiber optic cable. There are only four undersea and no overland fiber cables linking Alaska with the rest of the world<sup>5</sup> Three are owned by Alaska United, a GCI company, one by ACS, the incumbent telecommunications carrier. Within Alaska there is now one large Internet Service Provider (ISP), GCI with 70% of the business, and several smaller utility and private systems scattered around the state. In Anchorage, the state's largest city with approximately half the state's population, there are three ISPs. GCI, ACS and tiny Borealisbroadband<sup>6</sup>.

#### Particular Challenges to Competition From Satellite TV in Alaska:

Domestic US satellite service often bypasses Alaska to favor the more concentrated 48 contiguous states<sup>7</sup> thus rendering direct to home satellite television less competitive than it otherwise would be. As satellites are in geostationary orbit above the equator, they appear lower on the horizon in Alaska than the rest of the United States, subjecting their signals to more interruption from clouds and rain, as well as obstruction by trees and buildings. As well, satellite operators usually choose to send less signal towards Alaska. As a result, Alaska users need a much larger, more expensive and less sightly satellite dish.<sup>8</sup> Customers for multichannel video have other reasons beyond price to choose cable over an

- 5 http://www.submarinecablemap.com/
- 6 Both AT&T and Clearwire have pulled their ISP business out of Alaska. See <a href="http://stopthecap.com/2013/01/24/att-shutting-down-its-alaskan-wimax-service-jan-31/">http://stopthecap.com/2013/01/24/att-shutting-down-its-alaskan-wimax-service-jan-31/</a> and <a href="http://www.adn.com/2011/12/07/2207785/clearwire-pulling-out-of-alaska.html">http://www.adn.com/2011/12/07/2207785/clearwire-pulling-out-of-alaska.html</a>
- 7 For example DirecTV viewers need much larger dishes in Alaska. See: http://support.directv.com/app/answers/detail/a id/1922/~/is-directv-available-in-alaska%3F
- 8 This comment on the web captures the requirements, "Standard SD setup in Hawaii or Alaska is One 1.2 meter dish.

Standard HD setup in Hawaii or Alaska is Two 1.2 meter dishes.

<sup>4</sup> Going to their web site and putting in the midtown Anchorage address of petitioners offices gets the result:"Internet is not available at 3700 woodland drive anchorage, AK 99517" The same result would happen for video and other services AT&T offers through most of America.

ungainly satellite dish.

#### The Television Market in Alaska:

The market for delivery of television includes GCI cable TV, DISH and DirecTV via satellite, and very limited competition from some small cable TV systems. The largest cable TV provider is GCI<sup>9</sup>. Television is sent to customers via ADSL in their limited land line service area by Matanuska Telephone Cooperative. Some smaller cable TV systems are found in villages where the number of homes is less than 300. Conventional digital Terrestrial television broadcasting received by aerial is found in Fairbanks, Anchorage, Juneau. Small analog single channel low power transmitters are operated by the State of Alaska and are found in most villages in the state. A growing market segment is television (delivery of audio/video programming) transmitted via cell telephone and Internet.

#### Part II: Describing the Role Players in Broadcasting in Alaska

Fireweed Communications LLC: Petitioner Fireweed Communications LLC (FWTV) is the licensee of KYES-TV, a local television station in Anchorage Alaska. After the mania of mergers and acquisitions, KYES became one of the few remaining stand alone (not co-owned with other full service radio or TV stations) broadcasters remaining in the United States. KYES-TV transmits more news, information and educational content than all other Anchorage stations combined. The station has four channels on its digital signal, which includes the educational channel UWTV, the full time news channel France24, the weekday national and international news hour Democracy Now on the main channel and the children's educational and information content on the main channel as well Antenna TV, another of the station's four full time channels.

http://www.dbstalk.com/showthread.php?t=128094

<sup>9</sup> A list of active and inactive cable TV systems is maintained by the FCC and is found at <a href="https://www.fcc.gov/mb/vax/registeredcuid.xls">www.fcc.gov/mb/vax/registeredcuid.xls</a>

Other Broadcasters: Over the air television can be received by antenna in Faribanks (5 full service stations and one low power CBS station), Juneau (Two full service and one low power NBC station) and anchorage (7 full service stations including KYES-TV).

General Communication Inc: GCI<sup>10</sup> is an Alaskan telecommunications company. GCI has diverse business, of which cellular, cable TV, and Internet Provider Service (ISP) businesses are prominent. GCI states it sells facilities-based local and long-distance voice services, cable television, data and Internet access to residential and business customers across the state as well as wireless telephone services via owned facilities under the GCI and Alaska Wireless brand names<sup>11</sup>. GCI claims 70% of the internet market<sup>12</sup>.

"A market share in excess of 70% generally establishes a prima facie case of monopoly power.<sup>13</sup>"

GCI lists its total 2010 asset value at \$1,351,760 in its Security and Exchange Commission (SEC) 2011 10-K filing. GCI states that it has "geographic concentration" in Alaska (GCI 10-K 2010).

<u>Alaska Communications Systems</u>: ACS<sup>14</sup> is an Alaskan telecommunications company having rate unregulated business in fiber, mobile telephone, and tower ownership businesses. It does not distribute television<sup>15</sup>, and would have no plan to do so absent a recent agreement to merge certain infrastructure

<sup>10</sup> GCI's most recent 10-K is at <a href="http://assets.gci.com/financial/GCI\_10K\_2010-12-31.pdf">http://assets.gci.com/financial/GCI\_10K\_2010-12-31.pdf</a> and <a href="http://www.sec.gov/Archives/edgar/data/75679/000080846111000007/incform10k12312010.htm">http://www.sec.gov/Archives/edgar/data/75679/000080846111000007/incform10k12312010.htm</a> Assets are listed on page 103 of the PDF.

<sup>11</sup> GCI 10-K 2010

<sup>12</sup> From <a href="http://www.gci.com/red-press-release">http://www.gci.com/red-press-release</a> "A pioneer in bundled services, GCI is the top provider of voice, data, and video services to Alaska consumers with a 70 percent share of the consumer broadband market. GCI is also the leading provider of communications services to enterprise customers, particularly large enterprise customers with complex data networking needs."

<sup>13</sup> Quoted from page 230, ABA Section of Antitrust Law, Antitrust Law Developments, (Sixth ed. 2007). See Image Technical Sers. v. Eastman Kodak 125F3rd 1195, 1206(9th Cir 1997)

<sup>14</sup> Its 10-K is found at http://www.sec.gov/Archives/edgar/data/1089511/000119312512094359/d278584d10k.htm

<sup>15</sup> The company lists some of its products on a web page at <a href="http://www.alaskacommunications.com/About-ACS.aspx">http://www.alaskacommunications.com/About-ACS.aspx</a>. It is worth noting that it has "Ample 3G and 4G spectrum".

with GCI. Total reported assets is listed at \$605,108,000<sup>16</sup>. ACS claims to have 53% of the cellular market<sup>17</sup>.

#### Part III: Past experiences / Future Concerns:

Past Impact of Mergers on KYES: KYES was the first channel in Anchorage to broadcast a digital signal<sup>18</sup>. Over the years KYES has lost program sources due to mergers. Most recently the station lost rights to Universal Sports (in which NBC has a substantial interest) following the merger of cable company Comcast with NBC-Universal. Post merger, the sports network was migrated from broadcast to cable TV<sup>19</sup>, forcing interested viewers to pay to see sports events that they used to be able to watch for free<sup>20</sup>. The NBC/Comcast Universal Sports loss is one of many past incidents in KYES's history.

GCI recently announced its intention to purchase both NBC and CBS television broadcasters in Alaska. Welding two of the largest broadcasting networks onto the existing telecommunications and video distribution corporate behemoth that is GCI, raises a new threat to democracy in Alaska, especially as GCI has trained its economic weapons on news and information within the state. GCI, already endowed with a near horizontal monopoly on distribution of news and information within the state, now seeks to add vertical dominance<sup>21</sup>.

<sup>16</sup> See ACS's Edgar on line 10-K at page 30. http://www.sec.gov/Archives/edgar/data/1089511/000119312512094359/d278584d10k.htm

<sup>17</sup> http://technews.tmcnet.com/news/2011/08/14/5704607.htm

<sup>18</sup> KYES began DTV transmission pursuant to an STA in the summer of 2003, the others began digital near the end of 2005.

<sup>19</sup> http://www.tvnewscheck.com/article/53898/universal-sports-dropping-multicast-outlets

<sup>20 &</sup>quot;"Since the Beijing Olympics in 2008, we've provided our exclusive global sports programming to viewers in more than 50 markets nationwide," said David Sternberg, CEO of Universal Sports." http://www.broadcastingcable.com/article/473670-Universal Sports Spikes Over the Air Model.php

<sup>21 &</sup>quot;Our intention is to invest our resources and transform KTVA, KATH and KSCT into a news and entertainment leader unparalleled in Alaska," Statement of Ron Duncan, president GCI, press release on their web site <a href="http://www.gci.com/denali-media-holdings-press-release">http://www.gci.com/denali-media-holdings-press-release</a>

"Business mergers can take two forms: horizontal and vertical. In a *horizontal merger*, one firm acquires another firm that produces and sells an identical or similar product in the same geographic area. This type of merger eliminates competition between the two firms. In a *vertical merger*, one firm acquires either a customer or a supplier."

Jeremy Lansman: Jeremy Lansman is concerned about concentrated control of media, and the potential damage lack of diverse news and information sources portends. He claims a change in GCI's business holdings from horizontal to both horizontal and vertical integration increases the threat to the marketplace of ideas. The Commission historically promoted competition in both the economic marketplace and the marketplace of ideas<sup>23</sup>. Here one company dominant in data connectivity, and its newly formed interest in production, acquisition, and distribution of news, opinion and ideas, will have both incentive and ability to choke off competition at will.

The Data Market Overlaps Broadcast Television: Audio/Video is now almost entirely packetized data. The technology used, be it cellular telephone data, cable television, satellite television, DVD or over the air broadcaster to your home antenna does not care about the packets content. Once packetized, from the packets perspective, the digital transmission technology is neutral. As a result the market for audio/video is conflating. A viewer hardly cares about the technology of delivery, only the display screen size and reliability of the signal. We see this in data from AC Nielsen, the television ratings company. The rise of the mobile web as a viewing option<sup>24</sup> should not be disregarded, especially as

<sup>22</sup> http://legal-dictionary.thefreedictionary.com/Vertical+Merger

<sup>23</sup> Genesee Radio Corp., 5 FCC 183 (1938)).

<sup>24 &</sup>quot;Mobile video viewing has grown a significant 52% from the previous year, up to 13.4 million Americans. Much of this growth continues to come from increased mobile content and the rise of the mobile web as a viewing option." <a href="http://blog.nielsen.com/nielsenwire/online\_mobile/americans-watching-more-tv-than-ever/">http://blog.nielsen.com/nielsenwire/online\_mobile/americans-watching-more-tv-than-ever/</a>

most net neutrality rules do not apply to mobile<sup>2526</sup>.

#### **Part IV: Proposed Mergers and Acquisitions**

ACS and GCI Proposed Merger of Certain Telecommunications Facilities: On January 25<sup>th</sup> of this year, GCI filed for consent to assignment of the above captioned television licenses and authorizations, the stations being affiliates of the largest television broadcasting networks in the United States, both NBC and CBS. On June 18, 2012 GCI and ACS filed for consent to assignment of authorizations and licenses as used for commercial cellular communications. On November 16, 2012, GCI and ACS filed an amendment to their applications. Combining cellular infrastructure raises significant new questions about concentration of control.

Cellular radio system infrastructure is the major component of the Radio Access Network (RAN) upon which mobile phones communicate, others being wi-fi, etc. Sharing can make more efficient use of physical infrastructure, spectrum and capital investment<sup>27</sup>. The result *can* be lower prices and better service for users. Sharing can also raise barriers to entry, increased monopolization, and higher user costs if the RAN is not open to new users and used to concentrate control of the market. On the other hand, RAN sharing can lead to higher barriers to entry and higher costs to users.

<sup>25</sup> From an FCC Web page on net neutrality. "The FCC has adopted three basic open Internet rules: a:) Transparency. Broadband providers must disclose information regarding their network management practices, performance, and the commercial terms of their broadband services. b:) No blocking. Fixed broadband providers (such as DSL, cable modem, or fixed wireless providers) may not block lawful content, applications, services, or non-harmful devices. Mobile broadband providers may not block lawful websites, or applications that compete with their voice or video telephony services. C:) No unreasonable discrimination. **Fixed broadband** providers may not unreasonably discriminate in transmitting lawful network traffic over a consumer's broadband Internet access service. Unreasonable discrimination of network traffic could take the form of particular services or websites appearing slower or degraded in quality." http://www.fcc.gov/topic/open-internet, emphasis added.

<sup>26</sup> Rapidly increasing data use by mobile devices is used as an argument that television spectrum should give way to mobile telephone use.

<sup>27</sup> http://www.telecom-cloud.net/radio-network-sharing-the-new-paradigm/

#### Part VI: Risks of Monopoly

The Federal Trade Commission (FTC) has stated that in enforcement of the Sherman Anti-Trust and Heart-Scott-Rodino act is necessary to look beyond the situation of the present moment to see if a monopolist might have power to increase consumers' costs in the near or far future<sup>28</sup>. Furthermore in the area of Information Communication Technology and Broadcasting, that apart from keeping the marketplace working, it is well understood that freedom of the press is a prime condition to enable democratic processes of the forming of opinions. There are two different, albeit related issues at stake here. Even if a door hinge manufacturing monopolist can charge outrageous prices, hinge technology (for example) would not affect our democracy. However, the nature of Technology that transports news, opinion, and viewpoint would automatically influence the nature of our democracy if in any way the technology were used in a way that might favor one opinion over another. Even entertainment TV drama carries and brings across the normative value system of the scriptwriters and their view of the world in terms of past, present and future. For this reason concentration of control of the technology of media deserves a much higher level of scrutiny than other goods and services.

#### Purpose of this Petition to Deny

It is our purpose herein to request that the captioned applications not be granted absent careful study, and if granted, not without allowing time for public involvement. We will suggest below, under suggested remedies certain conditions that, from our point of view will alleviate the potential threat to competition and democratic discourse that the proposed concentration of control in media will engender.

<sup>28</sup> This is also dealt with by the Department of Justice. See: Competition and Monopoly, Single-Firm Conduct Under Section 2 of the Sherman Act, U.S. Department of Justice 2008. http://www.justice.gov/atr/public/reports/236681.htm

#### Part VII: Summing up the Argument:

#### **Cellular Telephone Service**:

The ONLY facility based carriers in the Alaska market are GCI, AT&T and ACS. Verizon reports it is building towers in Alaska, but has not begun service as of this time. Other national carriers such as T-Mobile or Sprint-Nextel have no facilities in Alaska.

<u>Competition</u>: Alaskan companies having subscribers in 2% or more of Alaskan homes are DISH, Matinuska Telephone, DirecTV, GCI. Of these, GCI has a greater than 64%<sup>29</sup> market share. In Alaskan multi channel video delivery alone, we learn GCI is almost prima facie a monopolist. However, based upon their own declaration that they have 70%<sup>30</sup> of the ISP market, and Department of Justice standards, they already have monopoly power.

From the Department of Justice (DOJ) we learn<sup>31</sup>;

When a firm has maintained a market share **in excess of two-thirds** for a significant period and the Department concludes that market conditions likely would prevent the erosion of its market position in the near future, the Department will presume that the firm possesses monopoly power absent convincing evidence to the contrary. (emphasis added).

Traditional internet service is subject to network neutrality scrutiny, but the quickly growing cellular delivered intenet segment receives much less scrutiny. As a wireless carrier GCI will have a strong incentive to provide inferior service to users web offerings, or block them entirely<sup>32</sup>.

<sup>29 &</sup>quot;GCI has a 45 percent share of the state's long-distance market, and is the state's largest provider of internet services with cable modem, wireless and dedicated access. Its cable television services pass 90 percent of the state's households with 64 percent penetration." http://terra.gci.com/news-and-announcements/press-release-arrival-of-materials-kicks-off-summer-construction-for-stimulus

<sup>30</sup> See FN 7, above.

<sup>31</sup> See FN 27

<sup>32</sup> In the Matter of, Preserving the Open Internet, Broadband Industry Practices, GN Docket No. 09-191, WC Docket No. 07-52, Report and Order, Adopted: December 21, 2010, section E, Mobile Broadband.

#### Part VIII: Suggested Remedies:

We request the public be given a chance to testify on the license transfers at public hearings in various places in Alaska. Such a high degree of control of media requires that the public be encouraged to set their ideas into the record.

Absent public hearings, we request the Commission and the FTC/DOJ study the potential for abuse following the acquisition by the applicants of the broadcast television stations as proposed. It cannot be questioned that GCI will have a business incentive to give preference to their own broadcasts to the disadvantage of their competitors. We fail to see how a commonly owned company who's distribution of video by cable TV is a very large part of their business can be restrained by conditional grant of their applications.

Retransmission consent or must carry election is a broadcasts ritual mandated by FCC rules and law. It is difficult to imagine that GCI can treat competing stations fairly when their shareholders expect maximized profit. Ownership of a dominant cable TV system and broadcast stations put GCI into a conflict of interest in every aspect of carriage of their competitors. The Commission should not approve the acquisition of the broadcast station without eliminating this apparently inherent conflict of interest.

Even if the Commission denies GCI's application to acquire the television stations, television viewers are migrating to mobile internet. We believe that the company should be required to

adhere to strict network neutrality in both its ISP and mobile data business.

RAN sharing is an important new paradigm that could inure to the benefit of mobile communication users, or not<sup>33</sup>. No new RAN sharing should be authorized absent a regulatory framework assuring user benefit. Until studies, rules and regulations are in place, RAN sharing between GCI and ACS or other US operators should not be approved.

#### Request to Consider This Late Filed Petition to Deny In Regard to the Wireless Merger

We hereby request waiver of § 1.939 of the FCC rules. Pursuant to § 1.939 a petition to deny may only be filed within 30 days after the date of public notice. However, until GCI filed its broadcast transfer application, due to lack of potential injury, FWTV lacked standing in the wireless proceeding. To have standing, FWTV must be able to claim potential injury<sup>34</sup>. With the purchase of TV stations, GCI must seek, acquire or produce individual audio visual programs for distribution to the general public, putting GCI squarely in competition with FWTV. Thus, FWTV only had standing in the Wireless proceeding after GCI filed its above captioned broadcast transfer applications.

In 2010 the FTC, DOJ, and FCC studied the effects of the merger of NBC-Universal with Comcast. It might seem that GCI's acquisition of over the air TV is similar to the merger of NBC-Universal with Comcast<sup>35</sup>. As a significant and growing proportion of people are using internet delivery of television

35 See http://hraunfoss.fcc.gov/edocs\_public/attachmatch/FCC-11-4A1.doc

<sup>33 &</sup>quot;RAN sharing is about taking the costliest pieces of an operator's network – the cell sites and towers, base station equipment, and the transmission network – and sharing this infrastructure with competitors. The idea is that, by reducing duplication of network assets, operators can deliver better services for less money."

http://www.heavyreading.com/mobile-networks/details.asp?sku\_id=1669&skuitem\_itemid=1021

<sup>34 &</sup>quot;To establish party-in-interest standing, a petitioner must allege facts sufficient to demonstrate that grant of the subject application would cause it to suffer a direct injury." Application of Green Eagle Networks, Inc. and ULS File No. 0004759579 Convey Communications, Inc. MEMORANDUM OPINION AND ORDER Adopted: May 23, 2012

to their desktops and laptops, to the extent Comcast is an ISP, yes there is similarity. However, GCI is also a cellular wireless competitor, which Comcast is not<sup>36</sup>. With the addition of ACS's cellular infrastructure GCI becomes even more forbidding broadcast television competitor. As we pointed out above, the rise of the mobile web as a viewing option must be considered along with the more conventional means of transmission. This, we believe for the reasons set forth above, and in view of other public interest considerations there is sufficient justification for granting a waiver<sup>37</sup>.

For this reason we respectfully request the Federal Communications Commission (FCC) consider the late filed wireless portion of this petition, as thirty days have not yet passed since the filing of GCI's media transfer applications.

Submitted by and written by Jeremy Lansman, this February 19, 2013; I declare under penalty of purjuty that facts regarding Fireweed Communications LLC are drawn on his own personal knowledge, are true and complete to the best of his knowledge and belief.

Jeremy Lansman c/o KYES-TV, 3700 Woodland Dr., #800 Anchorage Alaska, 99517 email jeremyl@kyes.com

<sup>36</sup> Comcasts SEC 10-K 2011 filing lists Cable Communications, Cable Networks, Broadcast Television (NBC), Filmed Entertainment, and Theme Parks (page 3), but does not list mobile as one of their businesses.

<sup>37</sup> See Dismissal of Petitions To Deny Star Wireless Auction 44 Application,

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